## BEFORE THE BOARD OF BEHAVIORAL SCIENCE OF THE STATE OF IOWA

IN THE MATTER OF:	) CASE NUMBER: 09-015
TONI BELL,	) ) ) <b>SETTLEMENT AGREEMENT</b>
RESPONDENT.	) AND FINAL ORDER )

COME NOW the Iowa Board of Behavioral Science ("Board") and Toni Bell ("Respondent"), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Settlement Agreement and Final Order of the contested case currently on file against the Respondent:

- 1. Respondent is licensed to practice as a mental health counselor in the state of Iowa. Respondent was issued license number 00173 on November 27, 1995.
- 2. The Board filed a Notice of Hearing and Statement of Charges against the Respondent on November 5, 2010. A contested case hearing in this matter is scheduled for November 4, 2011.
- 3. Respondent's current address on file with the Board is 1922 Ingersoll Avenue, Suite 112, Des Moines, Iowa, 50309.
  - 4. The Board has jurisdiction over the parties and the subject matter.
- 5. Execution of this Settlement Agreement and Final Order constitutes the resolution of this contested case. Respondent has a right to a hearing on the charges, but waives her right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Settlement Agreement and Final Order. Once entered, this Order shall have the force and effect of a disciplinary order entered

following a contested case hearing.

- 6. Respondent is freely and voluntarily entering into this Settlement
  Agreement and Final Order, and she agrees that the State's counsel may present this
  agreement to the Board and may have ex parte communication with the Board while
  presenting it.
- 7. This agreement is subject to approval of the Board. If the Board approves this agreement, it becomes the final disposition of this matter. If the Board fails to approve this agreement, it shall be of no force or effect to either party. If this agreement is not approved, settlement discussions and related materials shall not be admissible as evidence in this or any subsequent matters.
- 8. If approved, this agreement shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
- 9. If approved, this Settlement Agreement and Final Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C. The Notice of Hearing and Statement of Charges is also a public record available for inspection and copying in accordance with the requirements of Iowa Code chapters 17A, 22 and 272C.
- 10. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

## IT IS THEREFORE ORDERED:.

11. Respondent's license shall be suspended indefinitely until further order of the Board, with no possibility of reinstatement for one (1) year from the date the

suspension commences. This suspension will commence sixty (60) calendar days from Board approval of this Settlement Agreement and Final Order, and will be effective beginning January 4, 2012. During the entire period of suspension, Respondent shall not utilize any designation, abbreviation, or title which implies that Respondent is licensed to practice mental health counseling or otherwise hold herself out to be a licensed mental health counselor. During the entire period of suspension, Respondent shall not engage in any activity or practice of mental health counseling in the state of lowa for which a license is required.

- 12. Respondent underwent a comprehensive, multidisciplinary evaluation with Gary Schoener, M.Eq., in February and March of 2011. Dr. Schoener did not believe that she was at risk to violate the rules of her profession. Dr. Schoener did make recommendations for Respondent's practice, and Respondent agrees to comply with those recommendations. Respondent shall sign releases to allow for the free flow of information between the Board and Dr. Schoener.
- approved therapist for psychotherapy. Respondent will submit to the Board the name and curriculum vitae of her proposed therapist within thirty (30) days from the date of this Settlement Agreement and Final Order. Respondent shall meet with her therapist at a rate determined by the therapist, but at a minimum, on a monthly basis. Respondent shall ensure her therapist submits quarterly written reports to the Board concerning her treatment progress no later than January 1, April 1, July 1 and October 1 of each year while Respondent's license is suspended. Respondent shall sign releases to allow for the free flow of information between the Board and her therapist.

- basis. Respondent is currently meeting with a practice monitor on a regular basis. Respondent shall continue to meet with a practice monitor until the effective date of her license suspension. Respondent shall, within five (5) days from the date of this Settlement Agreement and Final Order, submit a written plan for practice monitoring to the Board for its approval. The plan shall include the name and curriculum vitae of her proposed practice monitor and shall address transference/counter-transference and professional boundary issues. The approved practice monitor will be provided a copy of the Notice of Hearing and Statement of Charges, the investigative file, and this agreement. The practice monitor shall provide monthly written reports to the Board indicating the Respondent=s compliance or lack of compliance with this agreement. All costs associated with the supervision shall be the responsibility of Respondent. Respondent shall sign releases to allow for the free flow of information between the Board and Respondent's practice monitor.
- 15. Respondent shall enroll in and complete a graduate level course in ethics. The course shall include content in conflicts of interest, boundaries, dual relationships and exploitation of patients. Respondent shall submit proof of her enrollment and completion of the course and all work product from the course to the Board. Prior to enrolling in the course, Respondent shall submit the name of the course(s), the course instructors, and the course content to the Board for its approval.
- 16. Upon compliance with the above provisions, Respondent may submit an application for reinstatement to the Board pursuant to 645 Iowa Administrative Code 11.31. Respondent's license shall not be reinstated except upon a showing that Respondent has complied with the terms of this Settlement Agreement and Final Order,

that the basis for the suspension no longer exists, and that it would be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on Respondent.

- 17. Respondent agrees that following a hearing on her application for reinstatement the Board may issue an Order which places Respondent's license on probation for a period of time subject to terms, conditions and restrictions which the Board deems appropriate, or which imposes other appropriate discipline, and that the terms of the Order shall be based on the recommendations of the evaluating facility and Respondent's compliance with this agreement.
- 18. Respondent will assume responsibility for all expenses incurred in order to comply with the conditions and requirements imposed by this Settlement Agreement and Final Order.

This Settlement Agreement and Final Order is approved by the Board on November 4, 2011.